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I Protest. By G. Bromley Oxnam.

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BOOK REVIEWS

I PROTEST. By G. Bromley Oxnam. New York: Harper & Brothers. 1954. Pp. 186. \$2.50

Like many a less distinguished citizen, Bishop G. Bromley Oxnam testified before the House Un-American Activities Committee. In company with many, the good Bishop did not relish his experience. This book is a compendium of protests against violations of basic decencies which have become an altogether too painfully familiar part of the American scene in the conduct of these congressional investigations.

Bishop Oxnam protests against "procedures designed less to elicit information than to entrap; procedures that cease to be investigations and become inquisition and intimidation." He recounts, for example, how he was tarred with insinuations of Communist subversion upon no other basis than that of an erstwhile and remote acquaintance with a university professor alleged to have been an espionage agent by a government informant. "These committeemen," asserts the Bishop, "had made up their minds before the accused had been tried . . ."

Bishop Oxnam protests against the "Un-American assumption that underlies many utterances of these committeemen, namely, that accusation constitutes conviction." Thus he recounts how his temporary and tenuous association with an organization in the distant past, subsequently charged with succumbing to infiltration by the Communists, was used today to impugn his loyalty as a citizen:

Without having produced a single fact to justify the allegation of subversive activities upon the part of . . . [the] agency . . . Mr. Velde said, "Bishop, I am just a little puzzled at how you could belong to such an organization, having stated that you had been anti-Communist all your life . . ."

Bishop Oxnam continues to protest against the "big bully spirit and the bad manners of some committeemen who lecture and berate a witness, and who, through insinuation misrepresent the views and activities of the witness . . ."

It is in the light of such experience that Bishop Oxnam calls for a change in the spirit as well as the procedure of investigations of this kind.

Valuable though the book is as factual account of the vicissitudes of witnesses in contemporary congressional investigations, its reliance upon procedural reform as a cure-all for the ills which it describes appears naive. History knows of no instances where

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an investigation into "dangerous thoughts" has failed to degenerate into a witch hunt.

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BILL OF RIGHTS READER. By Milton R. Konvitz. Ithaca, N. Y.: Cornell University Press, 1954. Pp. 591. \$6.50.

PROBLEMS IN FREEDOM. By Peter Bachrach. Harrisburg, Pa.: The Stackpole Company, 1954. Pp. 468. \$5.00.

The publication of these two books, both directed toward the non-lawyer, reminds us that the Bill of Rights is more than a legal document. It is a declaration of certain premises for a free society which go far beyond the bare words of the document. The fate of freedom depends not only on legal enforcement of the words, but also upon public adherence to the spirit of liberty. In the words of Mr. Justice Frankfurter,

Only a persistent and positive translation of the faith of a free society into the convictions, habits, and actions of a community is the ultimate reliance against unabated temptations to fetter the human spirit.¹

This faith can be translated into action only when the members of the community understand clearly the premises of freedom and the conduct which they command. Both books are dedicated to promoting such an understanding in order that we may meet more wisely the present threats to freedom. Though directed toward the layman, these books are even more important to the lawyer, for he bears a special responsibility to interpret to the community the deeper meaning of legal rights and also to express the convictions of the community into workable legal rules. Here are presented materials which will better enable a lawyer to fulfill his proper role as citizen.

The body of material in both books consists of carefully selected extracts from leading Supreme Court decisions (predominantly recent ones) dealing with the whole range of civil liberties, including freedom of speech, press and religion, separation of church and state, fairness of procedure, and freedom from racial discrimination. Professor Konvitz has included nearly twice as many cases as Professor Bachrach, but the latter has in-

1. *West Virginia State Board of Education v. Barnette*, 319 U. S. 624, 671 (1943) (dissenting opinion).